THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.11781 of 2007

Date: 08.06.2007

Between:

D.Vijaya Kumar and others.

....Petitioners

And

The Sub-Registrar, Gopalapatnam, Visakhapatnam.

....Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.11781 of 2007

O R D E R:

Petitioners state that their mother was the absolute owner of an extent of 800 square yards of land in Survey No.275/1D of Adivivaram Gram Panchayat, Visakhapatnam District, and consequent upon her death, the said property devolved upon them. It is also stated that they intended to sell the said land and in that process, approached the respondent with a request to furnish the basic value of the property, to enable them to compute the stamp duty. The grievance of the petitioners is that the respondent is not entertaining any document for registration on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondent, in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]**.**

Once the sole basis for the respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the respondent to receive and process the document, if any, presented by the petitioners and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

L.NARASIMHA REDDY, J

Date: 08.06.2007
Note: Issue C.C. in three days.
(B/o)
JSU

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77